



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ANTHONY MARAIO,

Plaintiff,

- against -

CMSG RESTAURANT GROUP, LLC dba  
LARRY FLYNT'S HUSTLER CLUB et al.,

Defendants.  
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22-CV-2178 (RWL)

**ORDER**

**ROBERT W. LEHRBURGER, United States Magistrate Judge.**

This case is an action for money damages under the Fair Labor Standards Act of 1938, 29 U.S.C. § 201 *et seq.* ("FLSA"), and the New York Labor Law. Before the Court is the Parties' joint request that the Court approve their revised settlement agreement in this case (the "Revised Settlement Agreement"), a fully executed copy of which was submitted on March 8, 2023 (Dkt. 35).

A federal court is obligated to determine whether settlement of an FLSA case under the court's consideration is fair and reasonable and the subject of an arms-length negotiation, not an employer's overreaching. *See Cheeks v. Freeport Pancake House*, 796 F.3d 199 (2d Cir. 2015).

The Court has carefully reviewed the Revised Settlement Agreement as well as the Parties' letters addressing whether the Revised Settlement Agreement is fair and reasonable. The Court also has taken into account, without limitation, all prior proceedings in this action; the attendant risks, burdens, and costs associated with continuing the action; the range of possible recovery; whether the Revised Settlement

Agreement is the product of arm's length bargaining between experienced counsel or parties; and the possibility of fraud or collusion.

Considering all the circumstances, the Court finds that the Revised Settlement Agreement is fair and reasonable and hereby is approved. The Clerk of Court is directed to close this case.

SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Lehrburger', with a long horizontal stroke extending to the right.

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ROBERT W. LEHRBURGER  
UNITED STATES MAGISTRATE JUDGE

Dated: March 9, 2023  
New York, New York